

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

September 1, 2004

**TO INVOLVED JUDGES**

**Re: MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation**

(See Attached Schedule of Actions)

Dear Judges:

Presently before the Panel pursuant to 28 U.S.C. § 1407 is a notice of opposition to the Panel's conditional transfer order in at least one action before you in the above-described docket. The parties will have an opportunity to fully brief the question of transfer and the matter will be considered at a bimonthly Panel hearing session. The purpose of this letter is to apprise you of the effect of the pendency of the actions before the Panel. Panel Rule 1.5, 199 F.R.D. 425, 427 (2001), provides:

The pendency of a motion, order to show cause, conditional transfer order or conditional remand order before the Panel concerning transfer or remand of an action pursuant to 28 U.S.C. § 1407 does not affect or suspend orders and pretrial proceedings in the district court in which the action is pending and does not in any way limit the pretrial jurisdiction of that court.

Thus your jurisdiction continues until any transfer ruling becomes effective. If you have a motion pending before you in the action – particularly a motion to remand to state court (if the action was removed to your court) – you are encouraged to rule on the motion unless you conclude that the motion raises issues likely to arise in other actions in the transferee court, should we order transfer, and would best be decided there.

Please feel free to contact our staff in Washington with any questions.

Kindest regards,



Wm. Terrell Hodges  
Chairman

Attachment

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September 1, 2004

T. Bryan Akin, Esq.  
Watts Law Firm, LLP  
815 Walker  
16th Floor  
Houston, TX 77002

Re: MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation

(See Attached Schedule of Actions/Panel Service List)

Motion and Brief Due on or before: **SEPTEMBER 16, 2004**

Dear Mr. Akin:

We have received and filed your Notice of Opposition to the proposed transfer of the referenced actions for coordinated or consolidated pretrial proceedings. In accordance with Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), the conditional transfer order is stayed until further order of the Panel. You must adhere to the following filing requirements:

- 1) Pursuant to Panel Rules 5.12(a), 5.13 and 7.4(d), **an original and eleven copies of your Motion and Brief to Vacate the Conditional Transfer Order, as well as a computer readable disk of the pleading in WordPerfect for Windows format, must be received in the Panel offices by the due date listed above. Fax transmission of your motion and brief will not be accepted. See Panel Rule 5.12(d). Counsel filing oppositions in more than one action are encouraged to consider filing a single motion and brief with an attached schedule of actions.**
- 2) **Papers must be served on the enclosed Panel Service List. Please attach a copy of this list to your certificate of service. (Counsel who have subsequently made appearances in your action should be added to your certificate of service).**
- 3) **Rule 5.3 corporate disclosure statements are due within eleven days of the filing of the motion to vacate.**
- 4) **Failure to file and serve the required motion and brief within the allotted fifteen days will be considered a withdrawal of the opposition and the stay of the conditional transfer order will be lifted.**

- 2 -

Any recent official change in the status of a referenced action should be brought to the attention of the clerk's office as soon as possible by facsimile at (202) 502-2888. Your cooperation would be appreciated.

Very truly,

Michael J. Beck  
Clerk of the Panel

By   
Deputy Clerk

Enclosure

cc: Panel Service List

Transferee Judge:

Transferor Judges:

Judge Harvey Bartle III

Judge David Folsom; Judge George A. O'Toole, Jr.;

Judge Michael J. Reagan; Judge Charles R. Simpson, III; Judge Robert L. Vining, Jr.

**SCHEDULE OF ACTIONS/PANEL SERVICE LIST (Excerpted from CTO-127)**  
**DOCKET NO. 1203**  
**IN RE DIET DRUGS (PHENTERMINE/FENFLURAMINE/DEXFENFLURAMINE)**  
**PRODUCTS LIABILITY LITIGATION**

Northern District of Georgia

*Melissa Houston, et al. v. Wyeth, Inc., et al.*, C.A. No. 1:04-1582 (Judge Robert L. Vining, Jr.)

Southern District of Illinois

*Gayla Alspach, et al. v. Wyeth, Inc., et al.*, C.A. No. 3:04-407 (Judge Michael J. Reagan)

Western District of Kentucky

*Katherine Perkins, et al. v. W. Rex Duff, et al.*, C.A. No. 3:04-396  
(Judge Charles R. Simpson III)

District of Massachusetts

*Barbara Bartholomew, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11188 (Judge George A. O'Toole, Jr.)  
*Evelyn Becker, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11189  
(Judge George A. O'Toole, Jr.)

Eastern District of Texas

*Minnie White, et al. v. Wyeth, et al.*, C.A. No. 5:04-155 (Judge David Folsom)

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## SCHEDULE OF ACTIONS/PANEL SERVICE LIST - MDL-1203 (EXCERPTED FROM CTO-127) Page 2 of 2

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September 1, 2004

Neil D. Overholtz, Esq.  
Aylstock, Witkin & Sasser, P.L.C.  
55 Baybridge Drive  
Gulf Breeze, FL 32561

Re: MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation

(See Attached Schedule of Actions/Panel Service List)

Motion and Brief Due on or before: **SEPTEMBER 16, 2004**

Dear Mr. Overholtz:

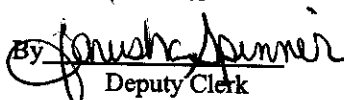
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Michael J. Beck  
Clerk of the Panel

By  Deputy Clerk

Enclosure

cc: Panel Service List  
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Judge Harvey Bartle III  
Judge George A. O'Toole, Jr.

JPML Form 37



**SCHEDULE OF ACTIONS/PANEL SERVICE LIST (Excerpted from CTO-127)**  
**DOCKET NO. 1203**  
**IN RE DIET DRUGS (PHENTERMINE/FENFLURAMINE/DEXFENFLURAMINE)**  
**PRODUCTS LIABILITY LITIGATION**

District of Massachusetts

*Mary Andrus, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-10911  
*Mary Walker v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11034  
*Joseph Perkins, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11035  
*Janina Jauregui-Ruiz, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11036  
*Ruth Carver, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11037  
*Gertrude Anderson, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11038  
*Theresa Amadeo, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11039  
*Maryann Laird v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11040  
*Carolyn Jenkins, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11090  
*Charles Arrowood, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11091  
*Michael Black, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11092  
*Dorothy Ambroz, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11093  
*Gloria M. Ewing, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11094  
*Jerry Dacus, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11095  
*Talisha Armstrong, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11096  
*Patsy Crouch, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11097  
*Elizabeth Carr, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11098  
*Zina Jones, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11099  
*Marlys Ellingson, etc. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11104  
*Carmen Bennett, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11105  
*Dorothy Ausevich, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11106  
*Scott Suber, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11138  
*Barbara Symonds, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11139  
*Lisa Dumond, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11140  
*Josephine Meidinger, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11141  
*Luise Badger, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11142  
*Barbara A. Rhone, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11143  
*Patricia Clayton, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11144  
*Julee Hansen, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11145  
*Linda Wright, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11146  
*Judy Sosa, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11147  
*James Hill, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11154  
*Hattie Spencer, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11155  
*Barbara Kozma, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11156  
*Anna Krishnappa, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11157  
*Jamie Roberts, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11158  
*Lynn Burgess, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11159  
*Ellen Fletcher, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11160  
*Vickie M. Bishop, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11161  
*Lynnette Ault, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11162  
*Linda Benton, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11163  
*Frances Chance, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11177  
*Dorine Harrelson, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11178  
*Linda Bailey, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11179  
*Jim Luckritz, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11180  
*Sandra Kline, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11181  
*Sue Anderson, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11182  
*Linda Dolliver, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11183  
*Dianna Hitchcock, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11184  
*Lorraine Cline, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11185

## SCHEDULE OF ACTIONS/PANEL SERVICE LIST - MDL-1203 (EXCERPTED FROM CTO-127) Page 2 of 2

*Russell Arnold, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11186

*Elizabeth F. Bischof, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11187

*Debra Barefoot, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11198

*Mary Cowell, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11199

*Laura Richard, et al. v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 1:04-11200

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